

FILED

July 7 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

PR 06-0120

FILED

JUL 07 2009

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STATE OF MONTANA

DISQUALIFICATION OF DISTRICT COURT
JUDGE

O R D E R

Defendant Carol Spears (Spears) has filed a motion for change of Judge pursuant to § 3-1-805, MCA. She bases her motion and affidavit upon the fact that Judge Spaulding has presided over litigation involving the plaintiffs herein in other matters in which the plaintiffs have usually prevailed.

Having reviewed the motion and supporting affidavit, it is apparent that Spears has failed to allege any specific facts showing personal bias or prejudice as required by § 3-1-805, MCA.

IT IS HEREBY ORDERED THAT:

1. The request to disqualify Judge Spaulding in Musselshell County, No. DV 09-27, is DENIED.

2. The Clerk of this Court is directed to mail a true copy of this order to Clerk of the District Court of the Fourteenth Judicial District, Musselshell County, Montana for notification to counsel of record in Cause No. DV-09-27, and to the Honorable Randal Spaulding, District Judge.

DATED this 7th day of July, 2009.

Chief Justice

W. William Dugbart
Patricia Cotton
John Warner
Jim Rice
Justices